

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Jurisdictional Separations and Referral to the Federal-State Joint Board)	CC Docket No. 80-286
)	

COMMENTS OF CINCINNATI BELL TELEPHONE COMPANY LLC

Cincinnati Bell Telephone Company LLC (“CBT”) submits these comments in response to the Commission’s Notice of Proposed Rulemaking (“NPRM”) released on March 29, 2010, in the above-referenced proceeding. In the NRPM, the Commission seeks comment on extending the current freeze of the Part 36 jurisdictional separations category relationships and cost allocation factors for one year, until June 30, 2011. For the reasons set forth below, CBT urges the Commission to extend the freeze for at least one year and preferably until comprehensive separations reforms are completed.

In the 2009 Separations Freeze Extension Order,¹ the Commission found that allowing the earlier separations rules to return to force and requiring carriers to reinstitute their separations processes would create undue instability and administrative burdens. Nothing has changed in that respect since last year. Most carriers, including CBT, do not have the necessary employees or systems in place to comply with the old separations process and it would be nearly impossible for carriers to hire or reassign and train employees and reinstitute the systems necessary to comply with the old rules prior to the expiration of the current freeze on June 30, 2010. Requiring carriers to reinstate their

¹ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, 24 FCC Rcd 6162 (2009) (*2009 Separations Freeze Extension Order*).

separations systems and processes in two months time would impose an enormous undue burden on the carriers. To prevent this untenable situation, the Commission should once again extend the freeze.

Even the interim adjustments proposed by the State Members of the Separations Joint Board on March 5, 2010, could not be implemented prior to July 1. Although the Interim Proposal does not entail the traditional separations studies of plant and equipment, the processes it would require could not be implemented in the next two months. For example, it is unrealistic to assume that a carrier could develop the IT programs necessary to review all of its billing records to assign Cable and Wire Facility Category 1 lines among the eight subcategories proposed by the State Members within this short a time span.² Even if the IT work could be completed, a carrier would still need to secure the employees with separations experience who would be needed to analyze the data and calculate the factors. In short, despite being described as simple by the State Members, the Interim Proposal is not so simple to execute and could not realistically be implemented in two months. Thus, even if the Interim Proposal were to be adopted, the Commission must extend the freeze beyond June 30, 2010.

While CBT agrees with the tentative conclusion that the freeze must be extended, CBT further recommends that the Commission extend the freeze indefinitely until definitive action is taken on the elimination or modification of the Part 36 rules. The idea of reinstating separations, even a simplified version for an interim period, without a thorough analysis of the consequences would be ill-advised. A permanent freeze pending

² Letter from State Members of the Federal State Joint Board on Separations to The Honorable Commissioner Mignon Clyburn, Re: Privileged Intra-Board Proposal for a Recommended Decision in the proceeding captioned: *In the Matter of Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, March 5, 2010, pp. 10 -15.

completion of comprehensive separations reform would provide stability for the carriers that remain subject to the separations rules and would allow the Commission and the Joint-Board to concentrate on the long-term solution, rather than annually having to reassess whether to extend the freeze and/or spending time developing interim solutions.

Therefore, the Commission should act expeditiously to extend the existing separations freeze to provide stability for the carriers subject to the separations rules and avoid the undue burden that expiration of the current freeze would place on these carriers. While CBT urges the Commission to extend the freeze indefinitely until the Commission and Joint Board complete action on comprehensive reform of the separations process, the freeze should be extended for a minimum of one year.

Respectfully submitted,

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